

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 NATIONAL PRODUCE TRADING
COMPANY, LLC,

4 Plaintiff,

5 vs.

6 HENDERSON FOODS, INC. T/A TIERRA
PRODUCE, ALKO GREEN FRESH LLC
7 D/B/A TIERRA PRODUCE DEPOT A/T/A
TIERRA PRODUCE, LAS VEGAS FOOD
8 DISTRIBUTOR LLC T/A TIERRA
PRODUCE, GILBERTO BLANCO,
9 SALVADOR CASTRO, MARIA CASTRO,
JESUS MENDEZ, JORGE ALEJANDRO
10 ORTEGA MEDINA and ALICIA ORTEGA
MEDINA,

11 Defendants,

Case No. 2:21-cv-02035-APG-BNW

12 **ORDER ON MOTION FOR CONTEMPT**

13 [ECF No. 34]

14 On January 7, 2022, plaintiff National Produce Trading Company, LLC (Plaintiff) moved
15 for civil contempt against defendants Henderson Foods, Inc. trading as Tierra Produce (Tierra),
16 Alko Green Fresh LLC doing business as Tierra Produce Depot also trading as Tierra Produce
17 (Alko), Las Vegas Food Distributor LLC trading as Tierra Produce (LVFD), Gilberto Blanco
18 (Blanco), Salvador Castro (S. Castro), Maria Castro (M. Castro), Jesus Mendez (Mendez), Jorge
19 Alejandro Ortega Medina (J. Ortega) and Alicia Ortega Medina (A. Ortega) (collectively,
20 Defendants). ECF No. 34. Plaintiff alleges the Defendants failed to comply with their obligations
21 under the December 21, 2021 Order for Final Judgment. ECF No. 32.

22 I conducted an initial hearing on the motion on January 25, 2022 and at least seven
23 continued hearings thereafter. Defendant J. Ortega has participated in all the hearings and has
represented several times that the Final Judgment would be paid in full and the Defendants' other

1 obligations under the Final Judgment would be fulfilled. However, the Final Judgment remains
2 unsatisfied and the Defendants have not complied with all of their obligations under it.

3 As of the July 14, 2022 hearing, the Defendants still owed Plaintiff \$12,472.84. I ordered
4 defendant J. Ortega to pay Plaintiff \$8,000.00 by July 15, 2022, and the balance before July 22,
5 2022. I further ordered that if J. Ortega did not pay the remaining balance owed by July 22,
6 2022, a contempt fine of \$500.00 per week would be assessed.

7 At the July 28, 2022 hearing, the parties informed me that the Defendants had not paid
8 anything further to Plaintiff and that defendant J. Ortega now owes Plaintiff \$12,472.84, plus the
9 \$500.00 fine assessed on July 22, 2022, for a total due of \$12,972.84 (the Debt).

10 I THEREFORE ORDER that the motion for civil contempt (**ECF No. 34**) is granted.

11 I FURTHER ORDER that, so long as the Debt remains unpaid, a fine shall accrue against
12 defendant J. Ortega at an increasing rate according to the following schedule:

- 13 1. After July 29, 2022, at the rate of \$100.00 per day;
- 14 2. After August 5, 2022, at the rate of \$150.00 per day;
- 15 3. After August 12, 2022, at the rate of \$200.00 per day; and
- 16 4. After August 19, 2022, at the rate of \$300.00 per day.

17 I FURTHER ORDER that if the Debt, together with all accrued fines, is not paid in full
18 before August 29, 2022, I will hold a hearing to determine whether further contempt sanctions
19 are justified to obtain J. Ortega's compliance. The hearing will be held on **August 29, 2022 at**
20 **9:00 a.m. PST** at the courthouse located at 333 Las Vegas Boulevard South, Las Vegas, Nevada
21 89101, Courtroom 6C. J. Ortega shall attend that hearing in person. Plaintiff is excused from in-
22 person attendance at the hearing and may participate by video conference.

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1 I FURTHER ORDER that in the event a hearing is necessary on August 29, 2022,
2 defendant J. Ortega should be prepared to submit himself into the custody of the United States
3 Marshals Service to be held in confinement until such time as he purges his contempt of court.

4 DATED THIS 29th day of July, 2022.

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7 UNITED STATES DISTRICT JUDGE

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